

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge H. Bruce Guyton on June 28, 2012 [Doc. 50]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the R&R [Doc. 50], Magistrate Judge Guyton recommended the following: that defendants’ motion to dismiss for failure to prosecute [Doc. 20] be denied; that defendants’ motion for reconsideration or clarification [Docs. 16, 18] be denied; and that, based upon the parties’ agreement, plaintiff’s claim for outrageous conduct, to the extent that claim is based upon the alleged sexual assault/rape, be dismissed.

After a careful review of the matter, the Court is in agreement with Magistrate Judge Guyton’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 50] and the Court’s rulings are as follows: defendants’ motion to dismiss for failure to prosecute [Doc. 20] is **DENIED**;

defendants' motion for reconsideration or clarification [Docs. 16, 18] is **DENIED**; and, plaintiff's claim for outrageous conduct is **DISMISSED**, to the extent that claim is based upon the alleged sexual assault/rape.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE